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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,594	04/16/2004	Yun-Bok Lee	8734.297.00 US	7791

30827 7590 11/29/2006

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EXAMINER	
DUONG, TAI V	

ART UNIT	PAPER NUMBER
2871	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/825,594	LEE, YUN-BOK	
	Examiner	Art Unit	
	Tai Duong	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-58* is/are pending in the application.

4a) Of the above claim(s) *10-17,29-36,41-43 and 47-58* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8,9,18-23,26-28,37,39,40 and 44-46* is/are rejected.

7)☒ Claim(s) *7,24,25 and 38* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

The terminal disclaimer filed on 09/18/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent Number 7,002,656 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claims 10-17, 29-36, 41-43 and 47-58 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/24/06.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-6, 8, 9, 18-23, 26-28, 37, 39, 40 and 44-46 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7, 8, 10, 24, 92, 97-102 and 104 of copending Application No.10/825,486

(US 2005/0083466). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 7, 8, 10, 24, 92, 97-102 and 104 of the copending application'486 disclose all of the recited features of the instant claims. The instant claims are broader in scope than the claims of the copending application'486 and are anticipated by claims 1, 7, 8, 10, 24, 92, 97-102 and 104 of the copending application'486 . It would have been obvious to a person of ordinary skill in the art to broaden the scope of 1, 7, 8, 10, 24, 92, 97-102 and 104 of the copending application'486 by deleting the functional languages and the details of the pixel electrode patterns and the common electrode patterns from the claims of the copending application'486 thereby resulting to the instant claims.

Claims 1 and 8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No.10/824,612 (US 2005/0128406). Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claim 1 is the combination of claims 1 and part of claim 2 of the copending application'612 while the instant claim 8 is the combination of claims 1 and 2 of the copending application'612

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 7, 24, 25 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7, 24, 25 and 38 are allowed over the prior art of record because none of the prior art discloses or suggests an array substrate and a method having structure and steps similar to those of claims 1, 18 and 37 *in combination* with the feature "a black matrix having an opening larger than the open region of another one of the plurality of common electrode patterns", or "the pixel connecting line overlaps the common electrode and constitutes a first storage capacitor".

If the obviousness-type double patenting rejections are overcame, claims 1-6, 8, 9, 18-23, 26-28, 37, 39, 40 and 44-46 will be allowed over the prior art of record because none of the prior art discloses or suggests an array substrate and a method having the particular structure and steps as recited in claims 1, 18, 37 and 44.

Response to Applicant's remarks

As to the nonstatutory obviousness-type double patenting rejection over the copending Application No.10/825,486, a terminal disclaimer is still required in the instant application because the instant claims would have been obvious over the claims of the copending application for the reasons set forth in the above rejection, and there is *no* obviousness-type double patenting rejection in the copending Application No.10/825,486, in accordance with MPEP 804 (page 16). The claims of the copending Application No.10/825,486 are not obvious over the claims of the instant application. As to the nonstatutory obviousness-type double patenting rejection over the copending Application No. 10/824,612, the copending Application No. 10/824,612 has been allowed on 09/22/06 without a

terminal disclaimer. Therefore, a terminal disclaimer is still required in the instant application in accordance with MPEP 804 (page 16).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

TOANTON
PRIMARY EXAMINER

TVD

11/06